

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CONRAD LEE VARGAS,

Plaintiff,

v.

ORDER

ROBERT MANN, BARRY CLARK, JAY MINSHALL,
and LARRY BONNER,

16-cv-565-jdp

Defendants.

Plaintiff Conrad Lee Vargas, a former state of Wisconsin inmate, alleged that he suffered a severe hand injury while working in the metal shop at the Jackson Correctional Institution. Vargas cut his hand with an angle grinder after the grinder kicked back from the metal conduit he was cutting. It turned out that the vise Vargas used to secure the conduit was badly damaged, contributing to the accident.

Vargas brought Eighth Amendment and Wisconsin-law negligence claims against prison officials who he says knew that the vise was damaged. He also brought Eighth Amendment claims against prison grievance examiners who denied his grievance about inadequate pain treatment following his injury. In an August 1, 2018 order, I granted defendants summary judgment on the claims against the grievance examiners. Dkt. 36. But I gave Vargas a chance to supplement his opposition materials regarding his claims against the metal-shop defendants with evidence supporting some of the assertions he made in his proposed findings of fact. *Id.* at 5–6.

Vargas has not responded to the court's order. The order was returned to the court as undeliverable because Vargas was no longer incarcerated. Dkt. 37. A second copy sent to an address provided by Vargas's probation agent was also returned. Dkt. 39. A third copy was sent

to another address provided by the agent, and it was not returned. This suggests that Vargas has abandoned the litigation.

In my August 1 order, I warned Vargas that if he failed to submit any supplemental materials, I would grant summary judgment to defendants on his Eighth Amendment claims and decline to retain supplemental jurisdiction over the state-law negligence claims. Now that Vargas has failed to respond, I will do just that.

ORDER

IT IS ORDERED that:

1. Defendants' motion for summary judgment, Dkt. 24, is GRANTED with respect to plaintiff Conrad Lee Vargas's Eighth Amendment claims against the remaining defendants.
2. Plaintiff's state-law claims are DISMISSED without prejudice under 28 U.S.C. § 1367(c)(3).
3. The clerk of court is directed to enter judgment accordingly and close this case.

Entered January 23, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge